HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Appeal No.1247 of 2006
And
Writ Petition No.11878 of 2005

Between

K.L.H.Prasada Rao ..Appellant

AND

The General Manager, Bharat Sanchar Nigam Ltd., and another ..Respondents

:: JUDGMENT ::

Counsel for the appellant	Sri S.Ramachandra Rao, Senior Counsel assisted by Sri Ganduri Nageswara Rao
Counsel for respondents	Sri B.Narasimha Sharma

28.12.2006

Per Sri G.S.Singhvi, CJ.

This appeal is directed against order dated 2.11.2006 passed by the learned Single Judge in WPMP No.15133 of 2005 in WVMP No.2908 of 2005 in Writ Petition No.11878 of 2005.

In the main writ petition filed by him, the petitioner has prayed for quashing the departmental proceedings initiated against him vide Memo dated 12.4.2002 on the ground that the documents, which have bearing on the charges, have not been supplied to him.

It is borne out from the record of the appeal that Writ Petition No.5846 of 2005 filed by the appellant with similar complaint was disposed of by the learned Single Judge on 22.3.2005 by directing the respondents to supply copies of documents, which would be used by the department in the enquiry. The relevant portions of that order read as under:

> "The only grievance of the writ petitioner is that the copies of documents and statements, recorded during the preliminary enquiry, have not been supplied to the petitioner, and therefore, the petitioner cannot be in a position to proceed with the departmental enquiry.
>
> On the other hand, the learned standing Counsel for the respondents contended that copies of documents, sought to be relied on by the department in the departmental enquiry, will be supplied to the petitioner before commencement of trial of the departmental enquiry.
>
> Therefore, without entering into the merits of the case, the respondents are directed to supply copies of documents, which the department intends to use the same in the departmental

enquiry, to the petitioner."

Immediately after disposal of Writ Petition No.5846 of 2005, the appellant represented for supply of documents and then filed Writ Petition No.11878 of 2005 for quashing of Memo dated 12.4.2002 on the ground of non-supply of documents. He also filed WPMP No.15133 of 2005. While issuing notice on 19.5.2005, the learned Single Judge granted interim stay. Thereafter, the respondents filed WVMP No.2908 of 2005, which was allowed by the learned Single Judge on 2.11.2006 and the ad-interim order was vacated.

We have heard learned counsel for the parties. Sri B. Narasimha Sharma, learned counsel for the respondents brought to our notice that copies of 38 documents specified in annexure III, which forms part of the memo of charges, were supplied to the defence assistant of the appellant on 28.6.2004. In support of his assertion, Sri Sharma produced attested xerox copy of the receipt, which is said to have been given by the defence assistant of the appellant. Learned counsel further stated that in compliance of the order passed by this Court in Writ Petition No.5846 of 2005, telegrams were sent to the appellant to appear and again obtain copies of the documents, but he did not avail the opportunity.

Sri S.Ramachandra Rao, Senior Counsel appearing for the appellant did not seriously controvert the statement of Sri Sharma, but submitted that the Court may direct the respondents to supply another complete set of papers to the appellant, so that he may adequately defend himself in the disciplinary proceedings.

Sri Narasimha Sharma responded to the submission of Sri Ramachandra Rao by saying that if the appellant appears on the appointed date, another set of the copies of documents mentioned in

annexure III appended to the charge sheet, will be supplied to him.

We appreciate the fair statements made by the learned counsel and dispose of the appeal with the following directions:

1) The appellant shall appear before the enquiry officer on 8.1.2007, on which date the officer concerned shall supply complete set of xerox copies of 38 documents specified in annexure III appended to the charge sheet.

2) If the appellant is desirous of obtaining copies of other documents, then he may make applications under the relevant rules. Such applications must be disposed of by the competent authorities in accordance with law.

At this stage, learned counsel for the parties jointly stated that the main writ petition may also be disposed of in terms of the above order.

The joint request of the learned counsel for the parties is accepted and Writ Petition No.11878 of 2005 is disposed of in the light of the order passed in the writ appeal.

As a sequel to disposal of the writ appeal, WAMP No.2603 of 2006 filed by the appellant for suspending the order impugned in this appeal is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

28-12-2006
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